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COLUMBIA, SOUTH CAROLINA 29201
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555
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February 13, 2018

VIA ELECTRONIC FILING

Jocelyn D. Boyd, Esquire
Chief Clerk & Administrator
SC Public Service Commission
P. O. Box 11649
Columbia, SC 29211

RE: ND 2016-61-WS. Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

Dear Ms. Boyd:

I have attached the following for filing in the above referenced matter:

DHEC Consent Order No. 18-005-DW-Stonegate Subdivision

The terms of the referenced Order details the steps to be taken to correct the violation. By copy of this letter, I am serving the Office of Regulatory Staff.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/mlw

Enclosure

cc: Jeffrey M. Nelson, Esquire (w/enc.)
Charles L.A. Terreni (via email)
Catherine E. Heigel (via email)
Michael R. Cartin (via email)



RECEIVED
FEB 12 2018
CAROLINA WATER SERVICE

Bureau of Water
February 9, 2018

CERTIFIED MAIL 9214 8969 0099 9790 1410 8866 63
RETURN RECEIPT REQUESTED

Carolina Water Service, Inc.
Attn: Bob Gilroy, Vice President of Operations
150 Foster Brothers Drive
West Columbia, SC 29172

RE: **Consent Order No. 18-005-DW**
Carolina Water Service, Inc.
Stonegate Subdivision
Public Water System No. 4050014 (PWS)
Richland County

Dear Mr. Gilroy:

I have enclosed a copy of the executed South Carolina Department of Health and Environmental Control Consent Order No. 18-005-DW (Order) for your records. The execution date of the Order is February 8, 2018.

If you have any questions or wish to discuss any matters in reference to the Order requirements, please contact me by e-mail at teraokjc@dhec.sc.gov or by telephone at (803) 898-3926.

Sincerely,

Jaime Teraoka
Drinking Water Enforcement Section

Enclosure

cc: Midlands BEHS Columbia office

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: CAROLINA WATER SERVICE, INC.
STONEGATE SUBDIVISION
PUBLIC WATER SYSTEM NO. 4050014
RICHLAND COUNTY

CONSENT ORDER

18 - 005 - DW

Carolina Water Service, Inc. (Owner) owns and is responsible for the proper operation and maintenance of the public water system No. 4050014 (PWS) that serves the residents of the Stonegate Subdivision located in Richland County, South Carolina.

An inspection of the PWS by South Carolina Department of Health and Environmental Control (Department) staff revealed that the Owner failed to properly operate and maintain the PWS.

Based on discussions with the Owner's representatives on November 28, 2017, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Carolina Water Service, Inc. (Owner) owns and is responsible for the proper operation and maintenance of the public water system No. 4050014 (PWS) that serves the residents of the Stonegate Subdivision located in Richland County, South Carolina.
2. The PWS consists of two (2) wells (G40145 - Well 1 and G40146 - Well 2), one (1) well that has been off-line since 2016 (G40147 - Well 3), two (2) treatment plants (B40015 Plant #1 and B40016 Plant #2), one hundred forty-five (145) taps, serves a population of

approximately three hundred fifty (350), and is classified by the Department as a community water system.

3. On November 1, 2017, Department staff conducted a sanitary survey of the PWS which resulted in an "unsatisfactory" rating due to the following deficiencies:
 - A. Chemical Feed was rated "unsatisfactory" in that the chlorine residual from the sample tap at the storage tank was greater than 2.20 milligrams per liter (mg/L) during a complaint investigation conducted by Department staff on October 9, 2017, and the brine tank for the water softeners at Plant # 1 was empty during the sanitary survey inspection.
 - B. Filtration was rated "unsatisfactory" in that the filter media at Plant #1 had not been inspected by the manufacturer since 2007. Carolina Water Service, Inc. records show that the filter media at Plant #1 had been replaced on November 12, 2013.
 - C. Equipment Maintenance was rated "unsatisfactory" in that the air compressor tank associated with the backwash system at Plant # 1 was cycling on and off continuously.
 - D. Water Quality was rated "unsatisfactory" in that an excessive amount of discolored water was noted during a complaint investigation on October 9, 2017.
 - E. Flushing Program was rated "needs improvement" in that flushing maintenance was not documented in the flushing log.
 - F. Appurtenances was rated "needs improvement" in that directional arrows were not in place to show the direction of the flow at both treatment plants, and the filter media inside the filters at Plant # 1 had not been evaluated.
 - G. Monitoring/Record Keeping was rated "needs improvement" in that the operator was not accurately recording chlorine residuals.

- H. Procedures Manual was rated "needs improvement" in that maintenance records were not confined to one area, and instruction manuals and written operating procedures for the system and treatment plants were not on site and accessible for the operators' use.
- I. Certified Operator was rated "needs improvement" in that operator logs indicated that adequate staffing of South Carolina-certified operators of appropriate grade for treatment and distribution of the system was not being provided daily.

At least one (1) of the above noted deficiencies constitutes a significant deficiency under the Ground Water Rule.

- 4. On November 28, 2017, Department staff held an enforcement conference with the Owner's representatives, Bob Gilroy (Vice President of Operations – Carolina Water Service, Inc.), Mac Mitchell (Regional Manager – Carolina Water Service, Inc.), and Stewart M. Hill (Project Manager – WK Dickson & Co., Inc.) to discuss the violation. During the conference, the Owner's representatives stated that the manufacturer of the filter media at Plant #1 had performed an inspection of the media on November 14, 2017 and deemed it to be in good condition. Records were provided during the conference. Additionally, the Owner's representatives stated that they had already started the process to connect to the City of Columbia to resolve the issue. The possibility of a Consent Order was also discussed.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 44-55-120 (Rev. 2002 & Supp. 2016), reaches the following Conclusions of Law:

1. The Owner violated the State Primary Drinking Water Regulations, 4 S.C. Code Ann. Regs. 61-58.7 (2011 & Supp. 2016) in that it failed to properly operate and maintain the PWS.
2. The State Safe Drinking Water Act, S.C. Code Ann. § 44-55-90(B) (Rev. 2002), provides for a civil penalty not to exceed five thousand dollars (\$5,000.00) a day per violation for any person violating the Act.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 44-55-120 (Rev. 2002 & Supp. 2016), that the Owner shall:

1. Within thirty (30) days of the execution date of this Order, submit to the Department a complete application, with the associated fee, for the required construction permit to connect the Stonegate Subdivision public water system No. 4050014 to the City of Columbia public water system No. 4010001, and commence obtaining all necessary easements.
2. Within thirty (30) days of the date of issuance of the construction permit and obtaining all necessary easements, submit to the City of Columbia a request for a tap.
3. Within one hundred twenty (120) days of the date of the City of Columbia's completion of a tap, complete the connection in accordance with the permit, and contact the Department's Midlands Bureau of Environmental Health Services Columbia office at (803) 896-0620 to request an inspection and obtain written approval to operate.
4. Within thirty (30) days of the issuance of written approval to operate, have Well 1, Well 2, and Well 3 properly abandoned by a South Carolina certified well driller in accordance with Reg. 61-58(2)(B)(15), and submit to the Department the Water Well Record Form 1903.

THE PARTIES FURTHER STIPULATE that the Owner shall pay a civil penalty of thirteen

thousand dollars (\$13,000.00) should it fail to comply with any requirement pursuant to this Consent Order, including any implementation schedule, or extension for good cause shown, approved by the Department. All penalties due under this paragraph shall be made payable to the South Carolina Department of Health and Environmental Control within thirty (30) days of notification by the Department. The stipulated penalties set forth above shall be in addition to any other remedies or sanctions which may be available to the Department by reason of the Owner's failure to comply with the requirements of this Order. If a violation of any requirement pursuant to this Consent Order occurs, the Owner may not contest the amount of the stipulated penalty.

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements are to include the Order number and shall be addressed as follows:

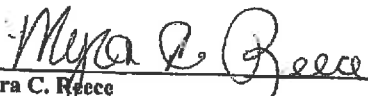
Jaime Teraoka
S.C. Department of Health and Environmental Control
Bureau of Water-Drinking Water Protection Division
Drinking Water Enforcement Section
2600 Bull Street
Columbia, S.C. 29201

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Carolina Water Service, Inc. with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provisions of this Order shall be grounds for further enforcement action pursuant to the State Safe Drinking Water Act, S.C. Code Ann. § 44-55-80(A) (Rev. 2002), to include the assessment of additional civil penalties.

THE PARTIES UNDERSTAND that the execution date of the Order is the date the Order is signed by the Director of Environmental Affairs.


FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Myra C. Reece
Director of Environmental Affairs

Date: 2/8/2018



Mark E. Hollis, Interim Chief
Bureau of Water

Date: 2-7-2018


Douglas B. Kinard, P.E., Director
Drinking Water Protection Division
Bureau of Water

Date: 2-7-18

Reviewed by:


Attorney
Office of General Counsel

Date: 2/8/2018

FOR CAROLINA WATER SERVICE, INC.


Signature

Date: 2/5/2018

Robert H. Gilroy / Vice President of Operations
Print or type name and title



300 Bull Street
Columbia, SC 29201

Turn Service Requested

Building Water Infrastructure



9234 8969 0099 9790 1410 8866 63

Carolina Water Service, Inc.
Attn: Bob Gilroy, Vice President of Operations
150 Foster Brothers Drive
West Columbia, SC 29172

2917282724 F0009



CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

DOCKET NO. ND 2016-61-WS

PARTIES SERVED: Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29211

PLEADING: DHEC Consent Order No. 18-005-DW
Stonegate Subdivision

February 13, 2018



Marcia W. Walters, Legal Assistant
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201
(803)771-0555